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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,258	07/27/2006	Michael Anthony Pugel	PU040067	1713

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EXAMINER	
REGO, DOMINIC E	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,258	PUGEL ET AL.	
	Examiner	Art Unit	
	Dominic E. Rego	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/12/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2,5-12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (US Patent #6084638) in view of Zydonik (WO 02/25847).

Regarding claim 1, Hare teaches an apparatus/a method, comprising:

processing means (Figure 1, elements 63,52) for receiving satellite signals and processing said received signals to generate analog signals without demodulating the received signals (Col 6, lines 27-34);

control means for enabling generation of said analog signals responsive to a request signal *(Figure 1b, element 58: the "request signal" i.e. selecting an LO frequency for down converting, is derived in the Frequency Agile Modulator 58; Col 8, lines 33-56)*; and

wherein said analog signals are provided to a client device (Figure 1, element 4) via a transmission medium (Figure 1b, element 61) Cable connecting said apparatus and said client device (Col 8, lines 33-56), except for receiving satellite signal.

However, in related art, Zydonik teaches receiver receiving satellite signal (see figure 1, receiver 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Zydonik to Hare, in order to receive satellite signal to view the television program.

Regarding claims 2 and 12, the combination of Hare and Zydonik teach all the claimed elements in claims 1 and 11. In addition, Zydonik teaches the apparatus/the method, wherein said transmission medium includes RG-59 cable (Page 8, lines 3-13).

Regarding claims 5 and 15, the combination of Hare and Zydonik teach all the claimed elements in claims 1 and 11. In addition, Hare teaches the apparatus/the method, wherein:

said control means detects an available frequency band on said transmission medium (col 2, lines 25-38; Col 6, lines 40-63); and

said available frequency band is used to provide said analog signals to said client device (Figure 1, element 4; Col 8, lines 33-56).

Regarding claims 6 and 16, the combination of Hare and Zydonik teach all the claimed elements in claims 5 and 15. In addition, Hare teaches the apparatus/the method, wherein said control means scans a plurality of frequency bands on said transmission medium to detect said available frequency band (col 2, lines 25-38; Col 9, line 53-col 10, line 11).

Regarding claims 7 and 17, the combination of Hare and Zydonik teach all the claimed elements in claim 5 and 15. In addition, Hare teaches the apparatus/the method, wherein said control means detects said available frequency band based on a

user input which selects said available frequency band (col 2, lines 25-38; Col 9, line 53-col 10, line 11).

Regarding claims 9 and 19, the combination of Hare and Zydonik teach all the claimed elements in claims 8 and 18. In addition, Hare teaches the apparatus/the method, wherein said frequency converting means comprises a signal mixer (combiner) (Col 8, lines 32-56).

Regarding claims 10 and 20, the combination of Hare and Zydonik teach all the claimed elements in claim 1 and 11. In addition, Hare teaches the apparatus/the method, wherein said request signal is provided to said apparatus via said transmission medium (Col 6, lines 40-63).

Regarding claim 11, Hare teaches a method for distributing signals from a gateway apparatus to a device, comprising steps of:

receiving a request signal from said device indicating a channel *(Figure 1b, element 58: the "request signal" i.e. selecting an LO frequency for down converting, is derived in the Frequency Agile Modulator 58; Col 8, lines 33-56)*;

processing (Figure 1, elements 63,52) said received signals to generate analog signals corresponding to said channel responsive to said request signal, without demodulating said received signals (Col 6, lines 27-34); and

providing said analog signals to said device via a transmission medium (Figure 1b, element 61) connecting said gateway apparatus (Figure 1, element 14) and said device (Col 8, lines 33-56), except for receiving satellite signal.

However, in related art, Zydonik teaches receiver receiving satellite signal (see figure 1, receiver 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Zydonik to Hare, in order to receive satellite signal to view the television program.

3. Claims 3,8,13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (US Patent #6084638) in view of Zydonik (WO 02/25847) and further in view of Stoddard et al. (US Patent Application Publication #2004/0085143).

Regarding claims 3 and 13, the combination of Hare and Zydonik teach all the claimed elements in claim 1 and 13. In addition, Zydonik teaches the apparatus/the method, wherein said processing means includes:

Frequency-converting means for converting said received signals from a first frequency band to a second frequency band to generate frequency converted signals (Col 4, lines 25-52). Both fail to teach filtering means for filtering said frequency converted signals to generate said analog signals.

However, in related art, Stoddard teaches filtering means for filtering said frequency converted signals to generate said analog signals (Paragraph 0110).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Stoddard to Zydonik and Hare, in order to receive clear picture by removing any noise from the signal.

Regarding claims 8 and 18, the combination of Hare and Zydonik teach all the claimed elements in claim 1. In addition, Zydonik teaches the apparatus/the method, wherein said processing means comprises:

frequency converting mean for converting said received signals from a first frequency band to the available frequency band to generate frequency converted signals (Col 4, lines 25-52). Both fail to teach filtering means for filtering said frequency converted signals to generate said analog signals.

However, in related art, Stoddard teaches filtering means for filtering said frequency converted signals to generate said analog signals (Paragraph 0110).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Stoddard to Zydonik and Hare, in order to receive clear picture by removing any noise from the signal.

4. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (US Patent #6084638) in view of Zydonik (WO 02/25847) in view of Stoddard et al. (US Patent Application Publication #2004/0085143) and further in view of Basawapatna et al (US Patent Application Publication #2004/0163124).

Regarding claims 4 and 14, the combination of Hare, Zydonik, and Stoddard teach all the claimed elements in claim 3, except for the apparatus/the method, wherein:

said first frequency band is greater than 1 GHz; and said second frequency band is less than 1 GHz.

However, in related art, Basawapatna teaches the apparatus, wherein:

said first frequency band is greater than 1 GHz; and said second frequency band is less than 1 GHz (Para. 0025).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Basawapatna to Hare, Zydonik, and Stoddard, in order to encrypt the signals or scramble the signals so that only the paying subscribers will be able to descramble or de-encrypt the signals to view the program.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jutzi (US Patent Application Publication #2006/0095939) teaches method and apparatus for the separation of data from digital broadcast signals for distribution via a computer network to clients.

Pience (US Patent Application Publication #2002/0073435) teaches system and method for supporting broadband communication service.

Rakib et al. (US Patent Application Publication #2004/0172658) teaches home networking for ordering and delivery of video on demand, telephone and other digital service.

Miller (US Paten Application Publication #2005/0141603) teaches method and apparatus for signal transmission and reception.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dominic E. Rego

PHILIP J. SOBUTKA
PATENT EXAMINER

2/20/7